

RESOLUTION NO. 99-147

A RESOLUTION OF THE LODI CITY COUNCIL  
ESTABLISHING A POLICY AND FEE FOR FENCE AND  
LANDSCAPE MAINTENANCE IN NEW DEVELOPMENTS

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BE IT RESOLVED, that the City Council of the City of Lodi does hereby establish a Policy on Funding of Maintenance and Replacement of Walls, Fences, Landscaping and Irrigation Improvements in Subdivisions with Reverse Frontage Lots as shown on Exhibit A attached hereto and made a part of this Resolution; and

BE IT FURTHER RESOLVED, that the City Council of the City of Lodi does hereby establish Fees for Funding of Maintenance and Replacement of Walls, Fences, Landscaping and Irrigation Improvements in Subdivisions with Reverse Frontage Lots as shown on Attachment A attached hereto and made a part of this Resolution effective Fiscal Year 1999/2000.

Dated: September 15, 1999

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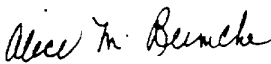
I hereby certify that Resolution No. 99-147 was passed and adopted by the City Council of the City of Lodi in a regular meeting held September 15, 1999, by the following vote:

AYES: COUNCIL MEMBERS – Mann, Nakanishi, Pennino and Land  
(Mayor)

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – Hitchcock

ABSTAIN: COUNCIL MEMBERS – None

  
ALICE M. REIMCHE  
City Clerk

## EXHIBIT "A"

### CITY OF LODI

#### POLICY ON FUNDING OF MAINTENANCE AND REPLACEMENT OF WALLS, FENCES, LANDSCAPING AND IRRIGATION IMPROVEMENTS IN SUBDIVISIONS WITH REVERSE FRONTAGE LOTS

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The following policy shall provide options for the funding of on-going maintenance and replacement of walls, fences, landscaping and irrigation improvements located in the street right-of-way along major arterial roads and abutting reverse frontage lots in proposed subdivisions.

Before the City of Lodi approves a Final Subdivision Map, it must be assured that an appropriate funding mechanism is in place to cover the on-going costs of wall, fence, irrigation and other landscaping maintenance and operation. Owners/developers must choose one of the following options to provide the funding:

1. **One-time, Lump Sum Payment:** The owner/developer will be required, as a condition of Tentative Map or Final Map approval, to make a lump sum prepayment in an amount as shown on Attachment "A" for Fiscal Year 1999-2000, and updated and recalculated at the beginning of every fiscal year thereafter to ensure perpetual funding for future maintenance and replacement costs. A 30% Reserve Amount is included, which is updated annually, to cover extraordinary and unpredictable maintenance, replacement events or cost increases. Annual updates of the prepayment amount and Reserve Amount will be accomplished administratively by the Director of Public Works, and will be based on changes in costs for maintenance of fences, walls, landscaping and irrigation improvements. While the prepayment is a condition of the Final Map, it will be treated as a voluntary contribution in lieu of formation of a Homeowners Association, a Landscape and Lighting District or a Community Facilities District. The lump sum payment will be deposited in a special fund/account and invested in instruments in accordance with the City's investment policy. Interest earned on the investment will be used to assist in covering future maintenance and replacement costs.
2. **Homeowners Association:** The owner/developer will be required, as a condition of approval of the Tentative Map or Final Map, to form a Homeowners Association which will assess and collect fees from homeowners to pay for future maintenance costs. All fences, walls, landscaping and irrigation improvements abutting reverse frontage lots and streets will be required to be placed in private easements, not public right-of-way. The City will review and approve the Conditions, Covenants and Restrictions to ensure that the deeds reflect common ownership of the private easement(s) and that the City has the right to enter the private easement(s) to perform landscape services, with charges to the Homeowners Association in the event the landscaping improvements substantially deteriorate below City Standards. The City of Lodi is to be named as a third party beneficiary in the Conditions, Covenants and Restrictions.

3. **1972 Act Landscape and Lighting District:** The Tentative Map or Final Map will be conditioned with a requirement for the formation of a Landscape and Lighting District. Formation of such a district may be accomplished in one of two ways:

- a) Formation of a new district prior to the City approving a Tentative Map or Final Map. The City Council must adopt a Resolution of Intention to create a new landscape and lighting district and hold a public hearing at least 45 days after adopting the Resolution of Intention. All landowners in the district will be given a ballot to vote on forming a district. In order to minimize the delay in approving the Final Map, the owner/developer should obtain approval of the project's Engineer's Report for the creation of the district at the earliest opportunity. The Final Map cannot be approved until the City has received a positive vote for formation of the district and the public hearing for district formation has been held by the City Council.
- b) Submit funds for the perpetual maintenance of landscaping improvements pending formation of a new district.

The owner/developer must make a cash deposit with the City in the amount shown as the One-time, lump sum payment on Attachment A, which will be refunded upon the successful conclusion of district formation. This form of "bonding" will be included as a special condition in the subdivision improvement agreement. The "bond" will be placed in a non-interest bearing account. The Resolution of Intention for the public hearing will be approved concurrently with the Final Map.

**Attachment A**  
**One-Time Lump Sum Payment**  
**For**  
**FY 1999/2000**  
Effective through June 30, 2000

Item	Cost per LF
Annual Landscape Maintenance Cost	\$ 1.55
Lump Sum Wall Maintenance Cost	\$ 2.75
Lump Sum Payment Per Lineal Foot <i>Based on Present Worth for Maintenance over 30 years</i>	\$ 49.00

Notes:

1. Maintenance costs shown above are costs per linear foot and are based on a standard width of approximately 8.5 feet.
2. Maintenance costs shown above do not include costs for maintenance and replacement of lighting of landscaped areas or lettering and facia of subdivision entryway monument markers and signs.
3. A 30% Reserve Fund is included for Extraordinary Maintenance and Replacement Costs.